

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**September 27, 2002**

DIVISION ONE

B152505      Rice                                  (Not for Publication)  
v.  
Boylan  
In re Marriage of Rice & Boylan

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B152761 County of Los Angeles (Not for Publication)  
v.  
Seneca Insurance Company

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B160087 Christopher B. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Department of Children & Family Services, r.p.i.)

The petition is denied.

Mallano, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B113194 Imperial Bank  
B136138 v.  
Dreyfuss, et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION TWO

B151801 Marciuska (Not for Publication)  
v.  
Hall, et al.

The judgment is reversed, and the trial court is directed to reinstate the third amended complaint. Marciuska is entitled to costs on appeal.

Boren, P.J.

We concur: Doi Todd, J.  
Ashmann-Gerst, J.

B155765 Corral (Not for Publication)  
v.  
Favela

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.  
Doi Todd, J.

B147764 Martin, et al. (Not for Publication)  
v.  
Padilla, et al.

The order as to attorney fees is affirmed.

Boren, P.J.

We concur: Nott, J.  
Ashmann-Gerst, J.

DIVISION FOUR

B148782 Baker (Not for Publication)

V.

Automobile Club of Southern California, et al.

The order granting summary judgment and the judgment entered thereon is reversed. Appellant is to recover his costs on appeal.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B147875 People (Not for Publication)

V.

Colston

The abstract of judgment is modified to strike the three and four-year enhancements imposed on counts 4 and 10 respectively. As modified, the judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Curry, J.

B159108 USA Talks.Com, Inc. (Not for Publication)

V.

The Superior Court of Los Angeles County  
Mitchell Silberberg & Knupp, et al.

The petition for writ of mandate is granted. The alternative writ is discharged, and the stay is dissolved. The matter is remanded for further proceedings not inconsistent with the views expressed in this opinion. USA Talks shall recover its costs in this proceeding. (Cal. Rules of Court, rule 56.4(a).)

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

DIVISION FOUR (Continued)

B155925      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Julia M.

The order terminating parental rights is reversed, and the matter is remanded to the juvenile court with directions to order DCFS to provide proper notice under the ICWA. If, after notice is given, Gabriel is determined not to be an Indian child within the meaning of the ICWA, then the juvenile court shall reinstate the order terminating parental rights. The orders of the juvenile court are otherwise affirmed.

Curry, J.

We concur:    Vogel (C.S.), P.J.  
Epstein, J.

B154982      Sitthiso      (Not for Publication)  
v.  
Fire Insurance Exchange

The judgment is affirmed. Each party to bear own costs on appeal.

Curry, J.

We concur:    Vogel (C.S.), P.J.  
Hastings, J.

B157973      People      (Not for Publication)  
v.  
Deon Bruce H.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur:    Epstein, J.  
Hastings, J.

September 27, 2002 (Continued)

DIVISION FIVE

B158763 People v. Lavon Hoy (Not for Publication)

The appeal is dismissed.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

B148681 Sergio Martinez, et al. (Not for Publication)  
v.  
Children's Hospital

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

I concur: Armstrong, J.  
I dissent: Mosk, J. (Opinion)

B154220      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Denita B.  
Frank V., et al.

The judgment is reversed.

Turner, P.J.

We concur: Grignon, J.  
Mosk, J.

September 27, 2002 (Continued)

## DIVISION FIVE (Continued)

[illegible]

The judgment is conditionally reversed with directions to conduct further proceedings in compliance with part II of this opinion.

Turner, P.J.

I concur:	Armstrong, J.
I concur and dissent:	Mosk, J. (Opinion)

B159612 Marcia Burns  
B160720 v.  
Bernice Greene, et al.

Filed order granting motion to dismiss appeal. Appeals (notice of appeal filed June 6, 2002; July 20, 2002) dismissed.

## DIVISION SEVEN

B147857      Los Angeles Unified School District  
v.  
Mason

Filed order denying petition for rehearing.

DIVISION EIGHT

Court convened at 9:06 A.m.

Present: Cooper, P.J., Rubin, J., Boland, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B154788 People v. Jackson  
B155463 People v. Guzman  
B156129 DCFS v. James S., et al.  
B153559 People v. Runser  
B159590 Brande M. v. SCLA  
B152289 People v. Oyeniran  
B157750 People v. Yomaira R.  
B155778 People v. Juan H.  
B158253 County v. WCAB  
B157081 People v. Tutt  
B155477 People v. Carcamo  
B153599 People v. El  
B147832 People v. Wright  
B156115 People v. Barajas  
B156199 People v. Joey C.

Argument waived, cause submitted.

B153926     People  
              v.  
              Villegas

Merits:

Argued by Leonard J. Klaif for appellant and by Rama R. Maline, Deputy Attorney General for respondent. Cause submitted.

B155184     People  
              v.  
              Ortiz

Merits:

Argued by Richard Schwartzberg for appellant and by Ryan M. Smith, Deputy Attorney General for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B156183     Warren Resources Of California, Inc., et al.  
              v.  
              Magness Petroleum Company

Merits:  
Argued by David Gilmore for appellant and by Edward S. Renwick for respondents. Cause submitted.

B151748     Hu  
              v.  
              Fang

Merits:  
Argued by Jeremias F. Valdez for appellant and by Arnold Freedland for respondent. Cause submitted.

B156948     Ybarra  
              v.  
              W.C.A.B.  
              (Subsequent Injuries Fund, r.p.i.)

Merits:  
Argued by Aaron Straussner for petitioner and by Steven McGinty for real party in interest. Cause submitted.

B149100     Cuna Mutual Life Insurance  
              v.  
              Los Angeles County MTA

Merits:  
Argued by Dean E. Dennis for appellant and by Elsa H. Jones for respondent. Cause submitted.

B149880     Automated Data Sciences, Inc.  
              v.  
              Skytech Consulting, Inc.

Merits:  
Argued by Peter W. Ross for appellant and by Charles Swartz for respondents. Cause submitted.



DIVISION EIGHT (Continued)

B150187     People  
              v.  
              Szczербatý

Merits:  
Argued by Emry James Allen for appellant and by Corey J. Robins, Deputy Attorney General for respondent. Cause submitted.

B152081     Monheit  
              v.  
              Bailey

Merits:  
Argued by Michael Kwasigroch for appellant and by Stephen H. Krumm for respondent. Cause submitted.

B143112     Gunther-Wahl  
              v.  
              Mattell

Oral argument continued to October 30, 2002 at 9:00 a.m.

B157300     Shakian  
              v.  
              Workers Compensation Appeals Board  
              Artisan Screen Process, Respondent

Oral argument continued to October 30, 2002 at 9:00 a.m.

B154765     People  
              v.  
              Soto

Oral argument continued to October 30, 2002 at 9:00 a.m.

Court Adjourned at 12:20 P.M.